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In re Application of :
Okada, Satoru et al. :
Appl. No.: 09/722,410 :
Filed: Nov. 28, 2000 :
Attorney Docket Number: 723-951 :
For: MEMORY FOR VIDEO GAME SYSTEM AND :
EMULATOR USING THE MEMORY :

7/3/08
DECISION ON PETITION
UNDER 37 CFR 1.59

This is a renewed decision on the petition under 37 CFR 1.59(b), filed Jun. 6, 2008, to expunge information from the above identified application. The original decision on the petition was granted in part because certain part of information was deemed to be material to the patentability of the examination of the application.

The petition is granted.

Petitioners had requested that a document entitled Information Disclosure Statement under MPEP § 724.02 containing the materials to be expunged are proprietary to Nintendo and are not available to the public from Nintendo. Petitioners had stated that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public. The petition fee set forth in 37 CFR 1.17 (g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. In particular, pages 3, 12, 20, 27-28, 30-31, 47-54 and 71 of Game Boy Programming Manual Version 1.0, 11/09/1999, by Nintendo of America, Inc. is relevant to claim invention as applied the same in the final rejection of Jan. 19, 2007. Therefore, pages 3, 12, 20, 27-28, 30-31, 47-54 and 71 of Game Boy Programming Manual Version 1.0, 11/09/1999, by Nintendo of America, Inc. will not be expunged from this application file. The remainder will be expunged and removed from the official file and will not be available for public viewing from the IFW files.

Art Unit: 3714

Applicant is required to retain the expunged material(s) for the life on any patent which issues on the above-identified application.

Any questions regarding this petition decision should be directed to Henry C. Yuen, Technology Center 3700 Special Programs Examiner at 571-272-4856.

Petition to expunge GRANTED.

A handwritten signature in dark ink, appearing to read "F.R. Schmidt", is written over a horizontal line.

Frederick R. Schmidt, Director
Technology Center 3700